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EXAMINER

DEUBLE, MARK A

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3651

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/799,287

Applicant(s)

GUIDETTI ET AL.

Examiner

Mark A. Deuble

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/24/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7, 10, and 11 all recite the phrase “the shelves” and “said storage device”. There is insufficient antecedent basis for these limitations in the claim. This could be corrected by amending claim 7 to depend from claim 5 which provides antecedent basis for these claim terms.

Claim 7 recites the step of “selectively checking whether said motor-driven unit belongs to said at least one first set or to said at least one second set of rollers, by selectively varying the position of said ideal demarcation line...” However, this language renders the scope of the claim impossible to ascertain because it is not understood how moving the position of the demarcation line between the first and second sets of rollers amounts to checking that set a motor driven unit belongs to. Rather, it seems that this amounts to placing the motor driven unit in one set or another instead of checking to see what group it is in. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Onoyama et al.

(U.S. Patent No. 6,378,694).

Onoyama et al. shows a device for conveying articles comprising an array of rollers 14, 15 set alongside one another so as to define a plane of conveyance of the articles by means of homologous generatrices. The rollers include motor-driven units contained within the roller housing which are able to bring about rotation of any roller in the array independently. A control means 41 acts on the motor-driven units to control them with a speed that is selectively determined in such a way that the motor-driven units may be viewed as being divided into a first set of units operating at a high speed and a second set of units operating at a low speed with each set including at least two adjacent rollers. (See A1-A5 Figs. 7a and 7b). The first and second sets are contiguous to one another and are separated by a demarcation line. The control unit selectively assigns each motor-driven unit to the first or second set so that the location of the demarcation line is moved in the direction of advance of the articles on the array of rollers. This can be seen in Figs. 7a and 7b where the demarcation line moves from between A2 and A3 to between A3 and A4. Sensor elements are provided in the rollers 14 for detecting the presence of articles in a position corresponding to a set of rollers and for monitoring the presence of articles in the accumulation. Thus Onoyama et al. shows all the structure required by claims 1-4.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall (U.S. Patent No. 5,285,887).

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Hall shows a device for conveying articles comprising an array of rollers 14, 16 set alongside one another so as to define a plane of conveyance of the articles by means of homologous generatrices. The rollers include motor-driven units contained within the housing of roller 16 which are able to bring about rotation of sets of roller in the array independently. A control means 22 acts on the motor-driven units to control them with a speed that is selectively determined in such a way that the motor-driven units may be viewed as being divided into a first set of units operating at a high speed and a second set of units operating at a low speed (including zero speed) with each set including at least two adjacent rollers. (See Figs. 10-14). The first and second sets are contiguous to one another and are separated by a demarcation line. The control unit selectively assigns each motor-driven unit to the first or second set so that the location of the demarcation line is moved in the direction of advance of the articles on the array of rollers. This can be seen in Figs. 10-14 where the demarcation line moves from right to left between Figs. 11 and 12. Sensor elements 26 are provided for detecting the presence of articles in a position corresponding to a set of rollers and for monitoring the presence of articles in the accumulation. Thus Hall shows all the structure required by claims 1-4.

*Allowable Subject Matter*

6. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 7-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited prior art not discussed above show shelf systems and roller conveyor systems that are pertinent to the present invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Deuble whose telephone number is (571) 272-6912. The examiner can normally be reached on Monday through Friday except for alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

md



**RICHARD W. RIDLEY**  
**PRIMARY EXAMINER**